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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,190	08/28/2001	Kuniyuki Miura	325772024500	3526
25227	7590	03/08/2007	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			HA, NGUYEN Q	
			ART UNIT	PAPER NUMBER
			2854	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/08/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/940,190	MIURA ET AL.	
	Examiner	Art Unit	
	"Wynn" Q. HA	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 August 2001.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.  
 4a) Of the above claim(s) 2,3,7,9,10,14,21,22 and 26 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,4-6,8,11-13,15-20 and 23-25 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 December 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>8/28/01</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION*****Election/Restrictions***

1. Applicant's election of species 2 (claims 1, 4-6, 8, 11-13, 15-20 and 23-25) in the reply filed on 4 January 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The election/restriction requirement is hereby repeated and made final.

***Specification***

2. The disclosure is objected to because of the following informalities:

On page 9, line 14, the word "our" in the phrase "sheet 1 is delivered our of the paper supply..." appears to be a typographical error and should be changed to --out--.

On page 23, line 5, the number "43" appears to be a typographical error and should be changed to --34--.

Appropriate correction is required.

***Claim Objections***

3. Claim 1 is objected to because of the following informalities: In the last line of claim 1 "according to the setting made by said braking force setting" appears to be missing a word and should be changed to --according to the

setting made by said braking force setting device--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 6, 17, 18, 20, 25** are rejected under 35 U.S.C. 102(b) as being anticipated by Wassermann (US 3,259,288).

Claim 1: Wassermann teaches a continuous paper feeding apparatus (fig. 1) for feeding a perforated continuous paper sheet 1, comprising:  
a paper supply device configured to supply the continuous paper sheet;  
a tractor 2 configured to feed the continuous paper sheet 1 supplied from said paper supply device while engaging perforations of the continuous paper sheet 1;  
a braking device 19 located between said paper supply device and said tractor 3 and configured to apply a braking force to the continuous paper sheet 1; braking force setting device 29 for variably setting the braking force; and

a controller 28 to control the variable braking force applied by the braking device 19 according to the setting made by said braking force setting device.

Claim 6: Wassermann teaches said braking device 19 includes an evacuating device 6 to evacuate the continuous paper sheet thicknesswise (col. 2 lines 44-46 "tensioning is provided by means of a vacuum drawn in chamber 19 at least across the width of the paper 1").

Claim 17: (as discussed in claim 1)

Claim 18: The braking device 19 is located upstream of the feeding device (tractor) 2.

Claim 20: The tractor 2 has feed pins 3.

Claim 25: (as discussed in claim 6)

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 4 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wassermann in view of Nishimura et al. (US 5,018,888).

Claim 4: Wassermann teaches all that is claimed, except for the braking force setting device sets the braking force according to a type of the continuous paper sheet.

Nishimura teaches a continuous paper feeding apparatus including a tractor 31R & 31L configured to feed a continuous paper sheet 7 while engaging perforations of the sheet (fig. 4); and a breaking force setting device 48 for adjusting tensions (braking force) of the paper sheet. In addition, Nishimura teaches, because of different paper types the amount of deformation of the perforation holes may vary during the feeding, therefore said braking force setting device 48 sets the breaking force according to a type of the continuous paper sheet (Abstract "the desired tension is determined from paper thickness"; col. 1 lines 46-49 "The amount of the feeding apertures depends on the rigidity of the paper..."), in order to avoid sheet feeding problems, such as jams, if the perforations were broken (col. 1 line 16-32).

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to have Wassermann braking force set according to a type of the continuous paper sheet, as taught by Nishimura, in order to avoid sheet feeding problems, such as jams, if the perforations were broken.

Claim 23: (as discussed in claims 4 & 17)

**Claim 5 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wassermann in view of Ara Yoji (JP 61-094955).

Claim 5: Wassermann teaches all that is claimed, except for the braking force setting device sets the braking force according to conditions of an installation environment.

Yoji teaches a continuous paper feeding apparatus including a tractor 12 configured to feed a continuous paper sheet 14 while engaging perforations of the sheet (fig. 4). Yoji further teaches, the installation environment such as temperature, humidity, etc., affects the feeding of the sheet, therefore said braking force should be varied (i.e. increased or decreased) according to the installation environment, in order to feed the sheet properly at anytime irrespectively of the installation environment (See Abstract).

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to have Wassermann braking force set according to conditions of an installation environment, as taught by Yoji, in order to feed the sheet properly at anytime irrespectively of the installation environment.

Claim 24: (as discussed in claim 5 & 17)

**Claims 8, 13, 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Honda et al. (US 5,649,274) in view of Wassermann.

Claim 8: Honda teaches a printer (fig. 14) for printing an image onto a perforated continuous paper sheet 120, comprising a paper supply device configured to supply the continuous paper sheet 120; a tractor 109 configured to feed the continuous paper sheet 120 supplied from said paper supply device while engaging perforations of the continuous paper sheet 120; a printing device 107 configured to print the image onto the continuous paper sheet 120 at a location downstream of said tractor 109.

Honda, however, does not teach a braking device located between the paper supply device and the tractor and configured to apply a braking force to the continuous paper sheet; a braking force setting device to set the braking force; and a controller to control the braking force applied by said braking device according to the setting made by said braking force setting device.

Wassermann teaches (as discussed in claim 1) a continuous paper feeding apparatus for feeding a perforated continuous paper sheet 1, including a tractor 2 configured to feed the continuous paper sheet 1 while engaging perforations of the continuous paper sheet; a braking device 19 located between said paper supply and said tractor 3 and configured to apply a braking force to the printing paper sheet 1; braking force setting device 29 to set the braking force; and a controller 28 to control the braking force applied by the braking device 19 according to the setting made by said braking force setting device 29.

Wassermann braking device 19 provides an easy means to control tensioning of

the paper, thus to prevent the paper from being torn at the perforation holes (col. 1 lines 55-70).

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to provide Honda printer with braking device, located between the paper supply device and tractor and configured to apply a braking force to the continuous paper sheet; a braking force setting device to set the braking force; and a controller to control the braking force applied by said braking device according to the setting made by said braking force setting device, in order to prevent the paper from being torn at the perforation holes, as taught by Wassermann.

Claim 13: Wassermann teaches the braking device includes an evacuating device for evacuating the continuous paper sheet thicknesswise (as discussed in claim 6).

Claims 15: Honda teaches a fixing device 108 configured to fix the image onto the continuous paper sheet 120 at a location downstream of the printing device 107.

Claim 16: Honda teaches a fixing device 108 applying tension to the continuous paper sheet 120 (col. 9 lines 43-47 "the continuous paper sheet is actually driven in the fixing unit"; col. 20 line 33 "the image-formed page is pulled into the laser beam printer").

**Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Honda et al. in view of Wassermann, and further in view of Nishimura et al.

Honda in view of Wassermann teaches all that is claimed, except for the braking force setting device sets the braking force according to a type of the continuous paper sheet.

Nishimura teaches (as discussed in claim 4) a braking force setting device sets the braking force according to a type of the continuous paper sheet, in order to avoid sheet feeding problems, such as jams, if the perforations were broken (col. 1 line 16-32).

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to have Wassermann braking force set according to a type of the continuous paper sheet, as taught by Nishimura, in order to avoid sheet feeding problems, such as jams, if the perforations were broken.

**Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Honda et al. in view of Wassermann, and further in view of Ara Yoji.

Honda in view of Wassermann teaches all that is claimed, except for the braking force setting device sets the braking force according to conditions of an installation environment.

Yoji teaches (as discussed in claim 5) a braking force setting device sets the braking force according to conditions of an installation environment, in order to feed the sheet properly at anytime irrespectively of the installation.

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to have Wassermann braking force set according to conditions of an installation environment, as taught by Yoji, in order to feed the sheet properly at anytime irrespectively of the installation environment.

**Claim 19** is parallel to claim 15 (which is rejected as discussed above).

### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to "Wynn" Q. HA whose telephone number is 571-272-2863. The examiner can normally be reached on Monday - Friday, from 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NQH



Daniel J. Colilla  
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